

Dkt. 75190/JPW/JW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Stan Gronthos, et al.
U.S. Serial No. : 10/551,162
Filed : as S371 national stage of PCT
International Application No.
PCT/AU2004/000416
For : PERIVASCULAR MESENCHYMAL PRECURSOR
CELLS

1185 Avenue of the Americas
New York, New York 10036
July 21, 2006

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE OF MAILING
FOR ABOVE-IDENTIFIED APPLICATION

''Express Mail'' mailing label number: EV 554 809 333 US
Date of Deposit: July 21, 2006

I hereby certify that this paper or fee is being deposited with the United States Postal Service ''Express Mail Post Office to Addressee'' service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Printed Name: John Fernandez

Respectfully submitted,

John P. White
John P. White
Registration No. 28,678
Attorney for the Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

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COMMUNICATION IN RESPONSE TO JULY 3, 2006 NOTIFICATION TO
COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

This Communication is submitted in response to the July 3, 2006 Notification to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures issued by the United States Patent and Trademark Office in connection with the above-identified application. The July 3, 2006 Notification, a copy of which is attached hereto as **Exhibit 1**, provides two (2) months for filing a response. Therefore, a response to the July 3, 2006 Notification is due September 3, 2006. Accordingly, this Communication is being timely filed.

The July 3, 2006 Notification indicates that the subject application does not contain a statement that the content of the computer readable form of the Sequence Listing is identical to the paper or compact disc copy of the Sequence Listing and contains no new matter and that applicant must submit such a statement. The July 3, 2006 Notification also

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indicates that a copy of the Sequence Listing in computer readable form was not submitted and that applicant must provide an initial computer readable form copy of the Sequence Listing and a statement indicating that the content of the computer readable form of the Sequence Listing is identical to the content of the paper or compact disc copy of the Sequence Listing and contains no new matter.

On April 27, 2006 applicants filed a Amendment Concerning Sequence Listing together with a substitute paper copy of the Sequence Listing; a diskette containing a computer readable form of the Sequence Listing; and a Statement certifying that the computer readable form of the Sequence Listing is identical in content to the substitute paper copy of the Sequence Listing and contains no new matter and that the substitute paper copy of the Sequence Listing contains the same sequence as the paper copy of the Sequence Listing as previously filed. Accordingly, the July 3, 2006 Notification should not have been issued. At 10:58 A.M. on July 19, 2006 Mr. Joshua Whitehill, a legal assistant of the applicants' undersigned attorney, communicated by telephone with Ms. Karen M. Williams of the PCT Operations Division, the authorized officer listed on the July 3, 2006 Notification, who advised Mr. Whitehill that she had no record of the April 27, 2006 Amendment being filed and that he should contact Mr. Mark Spencer of the Scientific and Technical Information Center to inquire whether he had received the computer readable form of the Sequence Listing. At 11:20 A.M. on July 19, 2006 Mr. Whitehill communicated by telephone with Mr. Spencer who advised Mr. Whitehill that he had not received the computer readable form of the Sequence Listing, that the April 27, 2006 Amendment was likely misplaced or lost by the U.S. Patent Office, and that, in response to the July 3, 2006

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Notification, the applicants should resubmit the Amendment including a new diskette containing a computer readable form of the Sequence Listing. Accordingly, applicants attach hereto as **Exhibit 2** a copy of the April 27, 2006 Amendment, including a substitute paper copy of the Sequence Listing as **Exhibit A**; a Statement of Compliance Under 37 C.F.R. §1.821(f) and §1.825(b) as **Exhibit B**; and a diskette containing a computer readable form of the Sequence Listing. Applicants attach hereto as **Exhibit 3** a Statement certifying that the enclosed computer readable form of the Sequence Listing is identical to the computer readable form of the Sequence Listing submitted together with the April 27, 2006 Amendment.

In addition, applicants attach hereto as **Exhibit 4** a copy of the postcard receipt, which was stamped by the U.S. Patent Office as having been received on May 2, 2006, as evidence that the April 27, 2006 Amendment, including the supporting exhibits and diskette containing the computer readable form of the Sequence Listing, was filed by the applicants and received by the U.S. Patent Office.

In summary, applicants request that the April 27, 2006 Amendment, a copy of which is attached hereto as **Exhibit 2**, be treated as a complete response to the July 3, 2006 Notification.

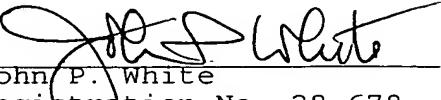
If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone them at the number provided below.

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required,

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authorization is hereby given to charge the amount of such fee
to Deposit Account No. 03-3125.

Respectfully submitted,


John P. White
Registration No. 28,678
Attorney for the Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400



UNITED STATES PATENT AND TRADEMARK OFFICE

2251/75190
52u/1354

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.

10/551,162

FIRST NAMED APPLICANT

Stan Gronthos

ATTY. DOCKET NO.

75090/JPW/JW

23432
COOPER & DUNHAM, LLP
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

JUL 10 2006

Date Mailed: 07/03/2006

Sequence listing Due:

2 mo.	9/3/06
3 mo.	10/3/06
4 mo.	11/3/06
5 mo.	12/3/06
6 mo.	1/3/07
7 mo.	2/3/07

INTERNATIONAL APPLICATION NO.

PCT/AU04/00416

I.A. FILING DATE

03/29/2004

PRIORITY DATE

03/28/2003

CONFIRMATION NO. 3174

371 FORMALITIES LETTER



OC000000019468228

NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed

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Exhibit 1

to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/551,162	PCT/AU04/00416	75090/JPW/JW

FORM PCT/DO/EO/922 (371 Formalities Notice)

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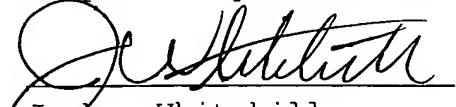
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P.O. Box 1450
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STATEMENT CONCERNING SEQUENCE LISTING
IN CONNECTION WITH ABOVE-IDENTIFIED APPLICATION

I hereby certify that the computer readable form of the Sequence Listing enclosed herewith is identical to the computer readable form of the Sequence Listing which was submitted together with the April 27, 2006 Amendment Concerning Sequence Listing, a copy of which is attached as **Exhibit 2** to the Communication to which this Statement is attached. Accordingly, the enclosed computer readable form of the Sequence Listing is identical to the substitute paper copy of the Sequence Listing which was attached as **Exhibit B** to the April 27, 2006 Amendment.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



Joshua Whitehill
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U.S. Serial No.: 10/551,162
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Exhibit 3

Applicant, Stan Gronthos, et al.

Client F.B. Rice (2251) File No. 75190 Atty. JPW/JW

Date April 27, 2006

Kindly acknowledge receipt of the accompanying

Amendment Concerning Sequence Listing in connection with Stan Gronthos, et al., Perivascular Mesenchymal Precursor Cells, U.S. Serial No. 10/551,162, §371 national stage of PCT International Application No. PCT/AU2004/000416, filed March 29, 2004, including substitute paper copy of Sequence Listing (6pp) as **Exhibit A**; Statement Of Compliance Under 37 C.F.R. §1.821(f) And §1.825(b) In Connection With Above-Identified Application as **Exhibit B**; diskette containing Sequence Listing in computer readable form; and a Certificate of Mailing dated April 27, 2006.

AFS REC'D PCT/PTO 2 MAY 2006

by placing your receiving date stamp hereon and returning to us. *MC*

NO VA 220
04 MAY 2006 PM 3 L



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Exhibit 4